

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

<b>BANNEKER VENTURES, LLC,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>v.</b>	:	<b>Appeal No. 14-7030</b>
	:	
<b>JIM GRAHAM, et al.,</b>	:	
	:	
<b>Appellees.</b>	:	
	:	

**CONSENT MOTION FOR EXTENSION OF CURRENT BRIEFING  
SCHEDULE**

Now comes the Appellant, Banneker Ventures, LLC, by and through its counsel, Brian K. McDaniel and Jerry L. Malone, Esq., pursuant to Circuit Rule 28(e) requesting that this court modify the current briefing schedule outlined by the Clerk’s Order Filed [1513159] on September 19, 2014.

Pursuant to Rule 27(h)(2) counsel has conferred with counsel for all Appellees. Appellees have agreed to the relief requested herein. Because oral argument has not been scheduled, the agreed-upon new schedule will not affect the timing of oral argument.

**Background.**

Appellant filed its Notice of Appeal from both the District Court’s December 11, 2013 “Memorandum Opinion” and its February 6, 2014

“Memorandum Opinion” on March 11, 2014. On May 2, 2014 Appellees WMATA, Jim Graham, Joshua Adler, Robb M. Lakritz and Lakritz Adler Development, LLC filed separate motions for “Summary Affirmance.” Appellant filed its Omnibus Responses in Opposition to each motion as well as its own Motion for Summary Reversal on May 23, 2014. Appellees filed their Replies to Appellant’s responses and responses to Appellant’s motions on June 5, 2014. On June 16, 2014, Appellant filed its Replies to the Appellees responses to Appellant’s motions. By Per Curiam Order filed [1505042] this court denied the Appellees’ Motions for Summary Affirmance and Appellant’s Motions for Summary Reversal and ordered the issuance of a briefing schedule. Currently, Appellant’s initial brief is due on October 29, 2014.

**Argument.**

The current briefing schedule represents the first mandate by this court for the filing of the briefs. Given the ruling of the court below and the burden on Appellant to persuade this Court of the merits of its position for reversal, Banneker Principal, Mr. Omar Karim has secured, Mr. Mark A. Grannis and Harris, Wiltshire and Grannis as new counsel for the filing of the initial brief and anticipated replies in this matter as well as any oral argument granted by this Court. Mr. Grannis needs time to become familiar

with the factual underpinnings for the case below, the complete record, briefs and arguments below and the legal theories so advanced.

Given those and other circumstances, Appellant's are requesting and Appellees have agreed to the extension for the filing of the initial brief and a Scheduling Order with the proposed dates below:

Appellant's Initial Brief	November 21, 2014
Appellees' Joint Responsive Brief	December 22, 2014
Appellant's Reply Brief	January 12, 2014
Deferred Appendix	January 20, 2015
Final Briefs	February 6, 2015

WHEREFORE, in the event that this court does not grant the Appellant's original request for extension, Appellant requests that this court modify the initial briefing schedule in accordance with the dates outlined above by consent.

Respectfully Submitted,

/s/

---

Brian K. McDaniel, Esq.  
The McDaniel Law Group, PLLC  
1200 G Street Suite N.W.  
Suite 819  
Washington, D.C. 20005  
Telephone (202) 331 - 0793

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of October, 2014, I caused the foregoing to be served via the Court's electronic filing system upon counsel below:

John R. Hoellen, Esq.  
Vladlen David Zvenyach, Esq.  
Office of the General Counsel  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W., Suite #4  
Washington, D.C. 20004

*Counsel for Appellee Jim Graham*

Gerard J. Stief, Esq.  
WMATA  
600 5<sup>th</sup> Street N.W.  
Washington, D.C. 20001

Douglas M. Bregman, Esq.  
Geoffrey T. Hervey, Esq.  
Bregman, Berbert, Schwartz & Gilday, LLC  
7315 Wisconsin Ave. Suite 800 West  
Bethesda, Maryland, 20814  
*Counsel for Appellee Washington Metropolitan Area Transit Authority*

Brian L. Schwalb  
Seth A. Rosenthal  
Moxila A. Upadhyaya  
Venable LLP  
575 7<sup>th</sup> Street N.W.  
Washington, D.C. 20004-1601

*Counsel for Appellees Joshua A. Adler, Robb M. LaKritz and LaKritz Adler Development, LLC*

\_\_\_\_\_/s/\_\_\_\_\_  
Brian K. McDaniel, Esq.